

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

LM INSURANCE CORPORATION,

Plaintiff

v.

NAUTILUS INSURANCE COMPANY,

Defendant

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CIVIL ACTION NO. 4:22-cv-03723

PLAINTIFF’S MOTION FOR ENTRY OF COSTS AND FEES

TO THE HONORABLE U.S. DISTRICT JUDGE GEORGE C. HANKS, JR.:

COMES NOW Plaintiff, LM Insurance Corporation (“Plaintiff” or “Liberty”), Plaintiff in the above-entitled and numbered cause, and moves for entry of costs and fees pursuant to the Court’s March 18, 2024, Memorandum Opinion and Order [Doc. 22] and would respectfully show the Court as follows:

1. On March 18, 2024, the Court entered its Memorandum Opinion and Order, granting Plaintiff’s Motion for Summary Judgment as to the duty to defend. Liberty is thus entitled to the costs and attorneys’ fees incurred in defending Blazer Building Texas, LLC, in the underlying state court case¹, as well as the costs and attorneys’ fees incurred in bringing the instant action².

¹ *Ramiro Morin, et al. v. Blazer Building, Inc.*; Cause No.: 2020-14004; in the 164th District Court of Harris County, Texas.

² See Plaintiff’s Motion for Summary Judgment [Doc. 17] at 17-18.

2. The Affidavit of Catherine L. Hanna establishing the amount of reasonable and necessary attorneys' fees and expenses incurred by Liberty in both the defense of the underlying state court case and the prosecution of the instant action is attached hereto as Exhibit A.

3. The Declaration of David Guertin establishing the amounts paid by Liberty in fees and expenses in defending the underlying state court case is attached hereto as Exhibit B.

4. As established by Exhibits A and B, the amount of reasonable and necessary attorneys' fees and expenses incurred by Liberty in defense of the underlying state court case since the date of Liberty's tender to Defendant—March 11, 2020—is \$16,614.15, and the amount of reasonable and necessary attorneys' fees and expenses incurred by Liberty in prosecuting the instant action is \$43,077.50. Thus, the total amount of costs and fees sought by Liberty for defending the underlying state court case and in prosecuting the instant action is **\$59,691.65**.

WHEREFORE, PREMISES CONSIDERED, LM Insurance Corporation prays that the Court enter the costs and fees it incurred in defending Blazer Building Texas, LLC, in the state court case as well as the costs and fees it incurred in prosecuting the instant action, as established in Exhibits A and B, attached herein, and for such other and further relief to which Plaintiff may be entitled.

{Signature on the following page.}

Respectfully submitted,

HANNA & PLAUT, L.L.P.
211 East Seventh Street, Suite 600
Austin, Texas 78701
Telephone: (512) 472-7700
Facsimile: (512) 472-0205

By: /s/ Catherine L. Hanna
Catherine L. Hanna
State Bar No. 08918280
Southern District ID: 13577
Attorney-in-Charge
channa@hannaplaut.com
Alexander P. Sheppard
State Bar No. 24106427
Southern District ID: 3825711
asheppard@hannaplaut.com

**ATTORNEYS FOR PLAINTIFF LM
INSURANCE CORPORATION**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been delivered via e-service on this 15th day of April 2024 to:

Greg C. Wilkins
Vanessa D. Durante
WILKINS | GIRE PLLC
350 Pine Street, Suite 660
Beaumont, Texas 77701
Attorneys for Defendant Nautilus Insurance Company

Via Email: gwilkins@wilkinsgire.com
Via Email: vdurante@wilkinsgire.com

/s/ Catherine L. Hanna
Catherine L. Hanna

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

LM INSURANCE CORPORATION,

Plaintiff

v.

NAUTILUS INSURANCE COMPANY,

Defendant

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§
§
§
§
§

CIVIL ACTION NO. 4:22-cv-03723

AFFIDAVIT OF CATHERINE L. HANNA

STATE OF TEXAS

§
§
§

COUNTY OF TRAVIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, on this day personally appeared Catherine L. Hanna, who being duly sworn on oath, deposes and says the following:

1. “My name is Catherine L. Hanna. I am over the age of twenty-one, of sound mind and capable of making this affidavit. I have never been convicted of a crime. I am a partner at Hanna & Plaut, an AV-rated insurance coverage boutique law firm in Austin, Texas, and the lead attorney representing LM Insurance Corporation (“LM Insurance”). I have been licensed to practice law in California since 1989 (now inactive) and in Texas since 1991. I have personal knowledge of the facts stated herein, and they are all true and correct.

2. “I was retained to represent LM Insurance Corporation (“LM Insurance”) in the above-referenced matter on July 6, 2020, in order to provide coverage analysis and respond to Nautilus Insurance Company (“Nautilus”)’s rejection of LM Insurance’s tender of defense and I have worked on the matter with colleagues and associates at Hanna & Plaut since that time.

3. “Hanna & Plaut’s billing invoices to LM Insurance for this matter are attached herein as Exhibit A-1. As demonstrated by Exhibit A-1, as of February 29, 2024, Hanna & Plaut incurred attorneys’ fees and expenses of \$47,890.20 in prosecuting LM Insurance’s claims against Nautilus. The work included initial coverage analysis; drafting correspondence to Nautilus and its attorneys; communicating with Nautilus’s attorneys by telephone; and preparing and filing pleadings, including a complaint and motion for summary judgment. Of the amount incurred by Hanna & Plaut to date, LM Insurance has paid **\$43,077.50**.

4. “The fees charged in this case are customarily charged in this area for the same or similar services of attorneys with our experience, reputation, and ability, considering this type of action, the time limitations imposed, the results obtained, and the nature and length of our relationship with our client, LM Insurance. My hourly rate was \$250.00 per hour at the outset of the case and was increased to \$275.00 on 1/1/2023. The rates for associates working on the case ranged from \$225.00 to \$250.00. Paralegal time is \$100.00 to \$105.00 per hour. The invoices attached to this affidavit as Exhibit A-1 reflect the hours actually expended in representation of Liberty in this matter. The hours expended and the rates claimed are reasonable.

5. “Based upon the knowledge and experience of the lawyers involved, the complexity of the issues involved in the case, the time and labor required, the legal questions involved, and the skill requisite to perform the legal services rendered, the attorneys’ fees requested above are reasonable and necessary.”

6. “In defending the underlying state court case, LM Insurance thus far has expended \$14,000 in legal fees and \$2,614.15 in expenses, for a total of \$16,614.15. Based upon the knowledge and experience of the lawyers involved, the complexity of the issues involved in the case, the time and labor required, the legal questions involved, and the skill requisite to perform

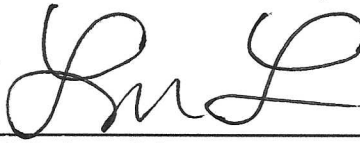
perform the legal services rendered, the total attorneys' fees and expenses LM Insurance incurred in defending the underlying state court case are reasonable and necessary."

"FURTHER AFFIANT SAYETH NOT."


Catherine L. Hanna

SWORN AND SUBSCRIBED TO BEFORE ME, on this the 15th day of April,

2024


Notary Public in and for
the State of Texas

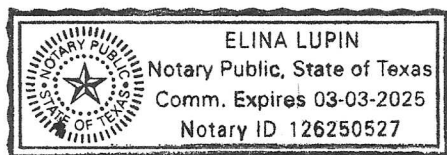


EXHIBIT A-1

Hanna & Plaut, LLP
 Southwest Tower
 211 East 7th Street, Suite 600
 Austin, TX 78701

Telephone: (512) 472-7700
 Facsimile: (512) 472-0205

Ryan Barr
 Liberty Mutual Insurance Company

September 16, 2020
 Invoice No.: 33277

Ramiro Morin vs. Blazer Building
 Texas, LLC - M:P 220-178930-01
 Our File Name: LM/Blazer
 Our File No.: 0023178

Tax I.D. #: 74-2868658

		<u>Hrs/Rate</u>	<u>Amount</u>
7/6/2020 JCG	Review Petition and related email (12 pp) regarding coverage analysis.	0.50 225.00/hr	112.50
7/22/2020 JCG	Review Petition (11 pp) regarding coverage review.	0.60 225.00/hr	135.00
JCG	Draft emails regarding documents needed from client.	0.20 225.00/hr	45.00
8/10/2020 JCG	Review contracts, policy provisions, correspondence, and pleadings regarding drafting coverage analysis.	2.00 225.00/hr	450.00
8/11/2020 JCG	Draft memorandum regarding additional insured coverage.	3.20 225.00/hr	720.00
8/20/2020 JCG	Continue to draft memo on additional insured coverage.	3.20 225.00/hr	720.00
JCG	Review contracts, pleadings, claim notes and correspondence (about 130 pp) regarding memo on additional insured coverage.	3.40 225.00/hr	765.00

Ryan Barr
 Ramiro Morin vs. Blazer Building
 Texas, LLC - M:P 220-178930-01
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September 16, 2020
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 Page 2

			<u>Hrs/Rate</u>	<u>Amount</u>
8/21/2020	JCG	Continue to draft memo on additional insured coverage.	4.20 225.00/hr	945.00
8/24/2020	JCG	Continue to draft memo on additional insured coverage.	2.20 225.00/hr	495.00
	JCG	Research regarding additional insured coverage and requirement that injury arise out of named insured's work.	1.80 225.00/hr	405.00
8/25/2020	JCG	Continue to draft memo on additional insured coverage.	2.80 225.00/hr	630.00
	JCG	Research regarding additional insured coverage and requirement that injury arise out of named insured's work.	1.10 225.00/hr	247.50
8/26/2020	JCG	Continue to draft memo on additional insured coverage.	3.20 225.00/hr	720.00
	JCG	Research regarding admissibility of extrinsic evidence on connection of named insureds' work to injury.	0.90 225.00/hr	202.50
8/28/2020	CLH	Review and analyze coverage overview memorandum in preparation for telephone conference with client.	0.30 250.00/hr	75.00
Total For Services			29.60	\$6,667.50

Personnel Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Catherine L. Hanna/Partner	0.30	250.00	\$75.00
Jeffrey C. Glass/Associate	29.30	225.00	\$6,592.50

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Ryan Barr
 Liberty Mutual Insurance Company

December 14, 2020
 Invoice No.: 33803

Ramiro Morin vs. Blazer Building
 Texas, LLC - M:P 220-178930-01
 Our File Name: LM/Blazer
 Our File No.: 0023178

Tax I.D. #: 74-2868658

			<u>Hrs/Rate</u>	<u>Amount</u>
9/24/2020	CLH	Review and analyze coverage overview and memorandum in preparation for conference call with client team to discuss coverage analysis and next steps.	0.40 250.00/hr	100.00
	CLH	Telephone conference with client team regarding coverage analysis and recommended next steps.	0.30 250.00/hr	75.00
10/5/2020	CLH	Draft and revise response to denial of tender by Nautilus.	1.00 250.00/hr	250.00
	CLH	Draft and revise letter to J Torres Construction regarding tender of coverage.	0.60 250.00/hr	150.00
	CLH	Review and analyze Torres Subcontract and COI information (58 pp.) to include in draft tender correspondence.	0.20 250.00/hr	50.00
10/21/2020	CLH	Receipt and review of email from client adjuster regarding status of letter.	0.10 250.00/hr	25.00

Ryan Barr
Ramiro Morin vs. Blazer Building
Texas, LLC - M:P 220-178930-01
Our File Name: LM/Blazer
Our File No.: 0023178

December 14, 2020

Invoice No.:33803

Page 2

	<u>Hours</u>	<u>Amount</u>
Total For Services	2.60	\$650.00

Personnel Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Catherine L. Hanna/Partner	2.60	250.00	\$650.00

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Ryan Barr
 Liberty Mutual Insurance Company

September 10, 2021
 Invoice No.: 35471

Ramiro Morin vs. Blazer Building
 Texas, LLC - M:P 220-178930-01
 Our File Name: LM/Blazer
 Our File No.: 0023178

Tax I.D. #: 74-2868658

			<u>Hrs/Rate</u>	<u>Amount</u>
7/20/2021	CLH	Receipt and review of email from client adjuster regarding status of coverage assessment and recommended next steps.	0.10 250.00/hr	25.00
7/27/2021	JCG	Review policies, subcontracts, and preliminary coverage memo (approximately 80 pp) regarding coverage analysis.	1.70 225.00/hr	382.50
7/28/2021	JCG	Review policies, subcontracts, and preliminary coverage memo (approximately 145 pp) regarding coverage analysis.	2.90 225.00/hr	652.50
	JCG	Draft updated coverage memorandum based on recently received policies.	3.50 225.00/hr	787.50
7/29/2021	JCG	Review policy, pleadings and preliminary memo (about 70 pp) regarding updated coverage analysis.	2.30 225.00/hr	517.50
	JCG	Research regarding separation of insureds provision and scope of employee exclusion.	1.20 225.00/hr	270.00

Ryan Barr
 Ramiro Morin vs. Blazer Building
 Texas, LLC - M:P 220-178930-01
 Our File Name: LM/Blazer
 Our File No.: 0023178

September 10, 2021
 Invoice No.:35471
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			<u>Hrs/Rate</u>	<u>Amount</u>
7/29/2021	JCG	Continue to draft updated coverage analysis.	3.70 225.00/hr	832.50
7/30/2021	JCG	Review policy and preliminary coverage memo (about 35 pp) regarding coverage analysis update.	1.30 225.00/hr	292.50
	JCG	Continue to draft updated coverage analysis.	3.30 225.00/hr	742.50
8/2/2021	JCG	Review coverage opinion and correspondence (6 pages) regarding Anti-Indemnity Act questions.	0.50 225.00/hr	112.50
	JCG	Draft emails regarding Anti-Indemnity Act questions.	0.30 225.00/hr	67.50
	CLH	Review and analyze Nautilus policy, coverage position letter, and coverage analysis memo (appx. 90 pp.) in preparation for conference call with client team.	0.80 250.00/hr	200.00
	CLH	Telephone conference with client team regarding coverage analysis and recommended next steps.	0.30 250.00/hr	75.00
8/4/2021	JCG	Research regarding Anti-Indemnity Act.	0.40 225.00/hr	90.00
	JCG	Draft coverage memorandum regarding Anti-Indemnity Act.	0.40 225.00/hr	90.00
	CLH	Draft and revise letters to Torres and carrier for Ranger regarding demand to attend upcoming mediation and satisfy coverage obligations to mutual insured.	0.60 250.00/hr	150.00

Ryan Barr
 Ramiro Morin vs. Blazer Building
 Texas, LLC - M:P 220-178930-01
 Our File Name: LM/Blazer
 Our File No.: 0023178

September 10, 2021
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		<u>Hrs/Rate</u>	<u>Amount</u>
8/4/2021	CLH	Receipt and review of additional materials from underling case, including pre-mediation report and First Amended Petition (appx. 25 pp.).	0.30 250.00/hr 75.00
8/5/2021	CLH	Receipt and review of three emails from clients regarding approval of proposed letters to other carriers.	0.10 250.00/hr 25.00
8/6/2021	CLH	Telephone conference with client attorney regarding revisions to letters to additional insureds.	0.40 250.00/hr 100.00
	CLH	Receipt and review of client's revisions to Nautilus letter.	0.20 250.00/hr 50.00
8/24/2021	CLH	Receipt and review of correspondence from opposing coverage counsel for Berkley/Nautilus.	0.20 250.00/hr 50.00
8/30/2021	CLH	Legal research and analysis regarding case law cited by opposing coverage counsel for Nautilus in preparation for conference call with client team.	0.50 250.00/hr 125.00
	CLH	Conference call with client team regarding recommended strategy for response to Nautilus and approach to J. Torres.	0.40 250.00/hr 100.00
Total For Services		25.40	\$5,812.50

Personnel Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Catherine L. Hanna/Partner	3.90	250.00	\$975.00
Jeffrey C. Glass/Associate	21.50	225.00	\$4,837.50

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Ryan Barr
 Liberty Mutual Insurance Company

December 17, 2021
 Invoice No.: 36007

Ramiro Morin vs. Blazer Building
 Texas, LLC - M:P 220-178930-01
 Our File Name: LM/Blazer
 Our File No.: 0023178

Tax I.D. #: 74-2868658

			<u>Hrs/Rate</u>	<u>Amount</u>
9/1/2021	JCG	Draft declaratory judgment complaint.	1.90 225.00/hr	427.50
9/2/2021	JCG	Review coverage memo, correspondence and recent denial letter (about 35 pp) regarding drafting declaratory judgment complaint.	0.80 225.00/hr	180.00
	JCG	Continue to draft declaratory judgment complaint.	2.10 225.00/hr	472.50
9/6/2021	CLH	Draft and revise pre-mediation letter to Burlington Insurance Company (J. Torres carrier.)	1.00 250.00/hr	250.00
9/7/2021	CLH	Email to client team regarding identity of carrier for J. Torres and proposed letter regarding same.	0.10 250.00/hr	25.00
	CLH	Receipt and review of email from client regarding question about letter.	0.10 250.00/hr	25.00
9/8/2021	JCG	Continue to draft declaratory judgment complaint.	0.70 225.00/hr	157.50

Ryan Barr
 Ramiro Morin vs. Blazer Building
 Texas, LLC - M:P 220-178930-01
 Our File Name: LM/Blazer
 Our File No.: 0023178

December 17, 2021
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			<u>Hrs/Rate</u>	<u>Amount</u>
9/9/2021	JCG	Continue to draft declaratory judgment complaint.	2.90 225.00/hr	652.50
9/10/2021	JCG	Continue to draft declaratory judgment complaint.	2.20 225.00/hr	495.00
9/13/2021	JCG	Review email and correspondence, underlying pleadings and policy (about 50 pp) for drafting declaratory judgment complaint.	0.50 225.00/hr	112.50
	JCG	Continue to draft declaratory judgment complaint.	2.10 225.00/hr	472.50
11/1/2021	CLH	Receipt and review of email from client adjuster regarding status of communications to opposing insurance carrier and reply to same.	0.10 250.00/hr	25.00
	CLH	Review and revise letter to J. Torres/Burlington.	0.10 250.00/hr	25.00
11/5/2021	CLH	Review and approve letter to J. Torres Construction and necessary attachments.	0.20 250.00/hr	50.00
11/8/2021	CLH	Receipt and review of email from IFG companies regarding receipt of tender.	0.10 250.00/hr	25.00
11/9/2021	CLH	Email to client regarding communication from adjuster for Torres.	0.10 250.00/hr	25.00
11/11/2021	CLH	Receipt and review of email from client regarding mediation outcome.	0.10 250.00/hr	25.00
Total For Services			15.10	\$3,445.00

Ryan Barr
Ramiro Morin vs. Blazer Building
Texas, LLC - M:P 220-178930-01
Our File Name: LM/Blazer
Our File No.: 0023178

December 17, 2021
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Personnel Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Catherine L. Hanna/Partner	1.90	250.00	\$475.00
Jeffrey C. Glass/Associate	13.20	225.00	\$2,970.00

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Ryan Barr
 Liberty Mutual Insurance Company

March 17, 2022
 Invoice No.: 36553

Ramiro Morin vs. Blazer Building
 Texas, LLC - M:P 220-178930-01
 Our File Name: LM/Blazer
 Our File No.: 0023178

Tax I.D. #: 74-2868658

			<u>Hrs/Rate</u>	<u>Amount</u>
12/8/2021	CLH	Receipt and review of email from newly assigned adjuster regarding status of declaratory judgment action.	0.10 250.00/hr	25.00
12/13/2021	CLH	Review and revise declaratory judgment complaint.	0.50 250.00/hr	125.00
	CLH	Email to client regarding status of declaratory judgment filings and need for Burlington policy.	0.10 250.00/hr	25.00
Total For Services			0.70	\$175.00

Personnel Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Catherine L. Hanna/Partner	0.70	250.00	\$175.00

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 211 East 7th Street, Suite 600
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 Facsimile: (512) 472-0205

Ryan Barr
 Liberty Mutual Insurance Company

June 8, 2022
 Invoice No.: 37048

Ramiro Morin vs. Blazer Building
 Texas, LLC - M:P 220-178930-01
 Our File Name: LM/Blazer
 Our File No.: 0023178

Tax I.D. #: 74-2868658

			<u>Hrs/Rate</u>	<u>Amount</u>
3/22/2022	CLH	Email to client regarding status of draft complaint.	0.10 250.00/hr	25.00
	JCG	Review and revise declaratory judgment complaint.	0.70 225.00/hr	157.50
3/23/2022	JCG	Review Burlington and Nautilus policies, pleadings and memos (about 140 pages) for revising declaratory judgment complaint for additional insured coverage.	2.10 225.00/hr	472.50
	JCG	Continue to draft/revise declaratory judgment complaint.	1.80 225.00/hr	405.00
3/24/2022	JCG	Draft email regarding issues with declaratory judgment as to Burlington Insurance.	0.20 225.00/hr	45.00
	JCG	Review policy, pleadings and memos (about 30 pages) for revising declaratory judgment complaint for additional insured coverage.	0.60 225.00/hr	135.00

Ryan Barr
 Ramiro Morin vs. Blazer Building
 Texas, LLC - M:P 220-178930-01
 Our File Name: LM/Blazer
 Our File No.: 0023178

June 8, 2022
 Invoice No.: 37048
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			<u>Hrs/Rate</u>	<u>Amount</u>
3/24/2022	JCG	Revise declaratory judgment complaint.	0.50 225.00/hr	112.50
3/31/2022	JCG	Review policy, subcontract and pleadings (about 30 pages) for drafting declaratory judgment complaint.	0.60 225.00/hr	135.00
	CLH	Review and anlayze potential coverage issue with Burlington AI endorsement.	0.50 250.00/hr	125.00
	JCG	Continue to edit and revise declaratory judgment complaint.	1.50 225.00/hr	337.50

Personnel Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Catherine L. Hanna/Partner	0.60	250.00	\$150.00
Jeffrey C. Glass/Associate	8.00	225.00	\$1,800.00

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Ryan Barr
 Liberty Mutual Insurance Company

October 21, 2022
 Invoice No.: 37803

Ramiro Morin vs. Blazer Building
 Texas, LLC - M:P 220-178930-01
 Our File Name: LM/Blazer
 Our File No.: 0023178

Tax I.D. #: 74-2868658

			<u>Hrs/Rate</u>	<u>Amount</u>
7/8/2022	CLH	Review and revise Original Complaint.	0.50 250.00/hr	125.00
7/11/2022	CLH	Review and revise declaratory judgment complaint.	0.30 250.00/hr	75.00
8/3/2022	CLH	Review and analyze draft complaint and previous coverage correspondence (appx. 25 pp.) in preparation for conference call with client team.	0.60 250.00/hr	150.00
	CLH	Participate in telephone conference with client team regarding draft declaratory judgment complaint.	0.50 250.00/hr	125.00
8/14/2022	CLH	Review and revise Original Declaratory Judgment Complaint in order to address client questions and concerns.	2.00 250.00/hr	500.00
8/15/2022	CLH	Draft and revise email report to clients regarding revisions to Original Complaint.	0.20 250.00/hr	50.00

Ryan Barr
 Ramiro Morin vs. Blazer Building
 Texas, LLC - M:P 220-178930-01
 Our File Name: LM/Blazer
 Our File No.: 0023178

October 21, 2022
 Invoice No.: 37803
 Page 2

		<u>Hrs/Rate</u>	<u>Amount</u>
8/29/2022	CLH	Receipt and review of email from client regarding status of review and approval of declaratory judgment complaint and reply to same.	0.10 250.00/hr 25.00
9/5/2022	CLH	Receipt and review of email from client regarding issue with Burlington's corporate citizenship and effect on diversity jurisdiction.	0.10 250.00/hr 25.00
9/7/2022	CLH	Respond to email from client regarding Burlington state of incorporation and issue with diversity jurisdiction.	0.10 250.00/hr 25.00
	CLH	Receipt and review of correspondence from Blazer regarding rejection of tender.	0.20 250.00/hr NO CHARGE
9/9/2022	JCG	Review and analyze Burlington rejection of tender and memo (about 15 pages).	0.50 225.00/hr 112.50
9/12/2022	CLH	Review and analyze draft petition, coverage correspondence from Burlington and materials referenced therein (appx. 30 pp.) in preparation for conference call with client.	0.60 250.00/hr 150.00
	CLH	Telephone conference with [REDACTED] regarding issues raised by Burlington domicile.	0.30 250.00/hr 75.00
9/23/2022	CLH	Telephone conference with client team regarding recommendation to omit Burlington from declaratory judgment action.	0.20 250.00/hr 50.00
9/26/2022	CLH	Review and approve revised declaratory judgment complaint.	0.20 250.00/hr 50.00

Ryan Barr
 Ramiro Morin vs. Blazer Building
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 Our File Name: LM/Blazer
 Our File No.: 0023178

October 21, 2022
 Invoice No.: 37803
 Page 3

	<u>Hrs/Rate</u>	<u>Amount</u>
9/26/2022 APS Revise Complaint to exclude Burlington as a party.	2.10 225.00/hr	472.50
Total For Services	8.50	\$2,010.00

Personnel Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Catherine L. Hanna/Partner	5.70	250.00	\$1,425.00
Catherine L. Hanna/Partner	0.20	0.00	\$0.00
Alexander P Sheppard/Associate	2.10	225.00	\$472.50
Jeffrey C. Glass/Associate	0.50	225.00	\$112.50

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Ryan Barr
 Liberty Mutual Insurance Company

January 20, 2023
 Invoice No.: 38315

Ramiro Morin vs. Blazer Building
 Texas, LLC - M:P 220-178930-01
 Our File Name: LM/Blazer
 Our File No.: 0023178

Tax I.D. #: 74-2868658

		<u>Hrs/Rate</u>	<u>Amount</u>
10/5/2022	CLH Receipt and review of email from client approving draft declaratory judgment action.	0.10 250.00/hr	25.00
	CLH Receipt and review of client's proposed revisions to declaratory judgment complaint.	0.20 250.00/hr	50.00
10/19/2022	CLH Review and analyze client [REDACTED] [REDACTED] revisions to declaratory judgment complaint.	0.60 250.00/hr	150.00
10/28/2022	CLH Receipt and review of Order for Conference and Disclosure of Interested Parties.	0.10 250.00/hr	25.00
11/4/2022	EL Drafted Plaintiff's Certificate of Interested Persons.	0.20 100.00/hr	20.00
11/23/2022	CLH Receipt and review of email from opposing counsel for Nautilus regarding request for extension of answer deadline and reply to same.	0.10 250.00/hr	25.00

Ryan Barr
 Ramiro Morin vs. Blazer Building
 Texas, LLC - M:P 220-178930-01
 Our File Name: LM/Blazer
 Our File No.: 0023178

January 20, 2023
 Invoice No.:38315
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		<u>Hrs/Rate</u>	<u>Amount</u>
11/29/2022	CLH Receipt and review of Notice of Judge Assignment.	0.10 250.00/hr	25.00
12/6/2022	CLH Receipt and brief review of Defendant's Original Answer to Complaint.	0.20 250.00/hr	50.00
Total For Services		1.60	\$370.00
Client Expenses:			
10/27/2022	American Express - United States District Court - Southern District of Texas - Filing fee for Original Complaint.		402.00
11/10/2022	Horn Investigations - Fee for Service of Process on Nautilus Insurance Corporation.		112.70
Total Client Expenses			\$514.70
Total amount of this bill			\$884.70

Personnel Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Catherine L. Hanna/Partner	1.40	250.00	\$350.00
Elina Lupin/Paralegal	0.20	100.00	\$20.00

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Ryan Barr
 Liberty Mutual Insurance Company

April 13, 2023
 Invoice No.: 38802

Ramiro Morin vs. Blazer Building
 Texas, LLC - M:P 220-178930-01
 Our File Name: LM/Blazer
 Our File No.: 0023178

Tax I.D. #: 74-2868658

			<u>Hrs/Rate</u>	<u>Amount</u>
1/6/2023	EL	Drafted Joint Discovery Case Management Plan.	0.30 105.00/hr	31.50
	EL	Receipt and review of correspondence from Defendant's attorney regarding Rule 26 Conference.	0.10 105.00/hr	10.50
	EL	Preparation of correspondence to Defendant's attorney regarding Rule 26 Conference.	0.10 105.00/hr	10.50
1/10/2023	CLH	Attend telephonic Rule 26(f) conference with opposing counsel.	0.10 275.00/hr	27.50
	APS	Rule 26(f) conference call with opposing counsel.	0.10 250.00/hr	NO CHARGE
	APS	Drafted Rule 26(f) Case Management Plan.	1.60 250.00/hr	400.00
1/11/2023	CLH	Receipt and review of Defendant's Rule 7 Disclosure Statement and Certificate of Interested Parties.	0.10 275.00/hr	27.50

Ryan Barr
 Ramiro Morin vs. Blazer Building
 Texas, LLC - M:P 220-178930-01
 Our File Name: LM/Blazer
 Our File No.: 0023178

April 13, 2023
 Invoice No.: 38802
 Page 2

			<u>Hrs/Rate</u>	<u>Amount</u>
1/27/2023	CLH	Review and approve draft of Joint Discovery/Case Management Plan.	0.10 275.00/hr	NO CHARGE
	EL	Drafted Plaintiff's Notice of Appearance of Counsel.	0.20 105.00/hr	21.00
2/2/2023	CLH	Receipt and review of email from opposing counsel regarding revisions to Joint Discovery/Case Management Plan and reply to same.	0.20 275.00/hr	55.00
2/14/2023	APS	Review Joint Discovery/Case Management Plan in preparation for Scheduling Conference Hearing - 6 pages.	0.70 250.00/hr	175.00
2/15/2023	APS	Attend initial Scheduling Conference Hearing via Zoom.	0.60 250.00/hr	150.00
2/22/2023	APS	Draft Rule 26 Initial Disclosures.	2.50 250.00/hr	625.00
2/23/2023	APS	Continue to draft Rule 26 Initial Disclosures.	2.20 250.00/hr	550.00
	CLH	Review and approve Initial Disclosures.	0.10 275.00/hr	NO CHARGE
2/27/2023	APS	Call with in-house counsel [REDACTED] regarding revisions to Rule 26 Initial Disclosures.	0.10 250.00/hr	25.00
	APS	Revise Rule 26 Initial Disclosures per [REDACTED] edits.	0.30 250.00/hr	75.00
3/9/2023	CLH	Receipt and review of Docket Control Order.	0.10 275.00/hr	27.50

Ryan Barr
 Ramiro Morin vs. Blazer Building
 Texas, LLC - M:P 220-178930-01
 Our File Name: LM/Blazer
 Our File No.: 0023178

April 13, 2023
 Invoice No.: 38802
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		<u>Hrs/Rate</u>	<u>Amount</u>
3/10/2023	CLH	0.10 275.00/hr	27.50
3/28/2023	APS	0.80 250.00/hr	200.00
	APS	0.30 250.00/hr	75.00
3/30/2023	CLH	0.10 275.00/hr	27.50
3/31/2023	EL	0.10 105.00/hr	10.50
Total For Services		10.90	\$2,551.50

Personnel Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Catherine L. Hanna/Partner	0.70	275.00	\$192.50
Catherine L. Hanna/Partner	0.20	0.00	\$0.00
Alexander P Sheppard/Associate	9.10	250.00	\$2,275.00
Alexander P Sheppard/Associate	0.10	0.00	\$0.00
Elina Lupin/Paralegal	0.80	105.00	\$84.00

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Ryan Barr
 Liberty Mutual Insurance Company

June 8, 2023
 Invoice No.: 39149

Ramiro Morin vs. Blazer Building
 Texas, LLC - M:P 220-178930-01
 Our File Name: LM/Blazer
 Our File No.: 0023178

Tax I.D. #: 74-2868658

		<u>Hrs/Rate</u>	<u>Amount</u>
4/18/2023	CLH Receipt and brief review of tender response .letter from Burlington.	0.20 275.00/hr	55.00
4/28/2023	EL Correspondence to Defendant's attorney regarding status of draft stipulation.	0.10 105.00/hr	10.50
5/1/2023	EL Receipt and review of correspondence from Defendant's attorney regarding status of draft stipulation of facts for motion for summary judgment.	0.10 105.00/hr	10.50
5/3/2023	APS Revise Joint Stipulation of Facts for summary judgment motion as drafted by Defendant's counsel.	0.80 250.00/hr	200.00
5/26/2023	JCG Review coverage memos, policy, and underlying pleadings and declaratory action pleadings (about 80 pages) for drafting Motion for Summary Judgment.	2.00 250.00/hr	500.00
	JCG Draft Motion for Summary Judgment.	4.40 250.00/hr	1,100.00

Ryan Barr
 Ramiro Morin vs. Blazer Building
 Texas, LLC - M:P 220-178930-01
 Our File Name: LM/Blazer
 Our File No.: 0023178

June 8, 2023
 Invoice No.:39149
 Page 2

		<u>Hrs/Rate</u>	<u>Amount</u>
5/28/2023	JCG Continue to draft Motion for Summary Judgment.	1.50 250.00/hr	375.00
5/29/2023	JCG Review coverage memos, policy, underlying pleadings and declaratory action pleadings (about 40 pages) for drafting Motion for Summary Judgment.	1.20 250.00/hr	300.00
	JCG Continue to draft Motion for Summary Judgment.	4.20 250.00/hr	1,050.00
5/30/2023	JCG Review coverage memos, correspondence, policy, underlying pleadings and declaratory action pleadings (about 75 pages) for drafting Motion for Summary Judgment.	2.40 250.00/hr	600.00
	JCG Continue to draft Motion for Summary Judgment.	4.00 250.00/hr	1,000.00
5/31/2023	JCG Review coverage memos, correspondence, policy, underlying pleadings and declaratory action pleadings (about 80 pages) for drafting Motion for Summary Judgment.	2.20 250.00/hr	550.00
	JCG Continue to draft Motion for Summary Judgment.	4.70 250.00/hr	1,175.00
Total For Services		27.80	\$6,926.00

Personnel Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Catherine L. Hanna/Partner	0.20	275.00	\$55.00
Alexander P Sheppard/Associate	0.80	250.00	\$200.00
Jeffrey C. Glass/Associate	26.60	250.00	\$6,650.00
Elina Lupin/Paralegal	0.20	105.00	\$21.00

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Ryan Barr
 Liberty Mutual Insurance Company

July 17, 2023
 Invoice No.: 39397

Ramiro Morin vs. Blazer Building
 Texas, LLC - M:P 220-178930-01
 Our File Name: LM/Blazer
 Our File No.: 0023178

Tax I.D. #: 74-2868658

			<u>Hrs/Rate</u>	<u>Amount</u>
6/1/2023	JCG	Review memos, correspondence, policy, and pleadings (about 60 pages) for drafting Motion for Summary Judgment.	1.00 250.00/hr	250.00
	JCG	Continue to draft Motion for Summary Judgment.	3.50 250.00/hr	875.00
6/2/2023	JCG	Review memos, correspondence, policy, and pleadings (about 90 pages) for drafting Motion for Summary Judgment.	2.10 250.00/hr	525.00
	JCG	Continue to draft Motion for Summary Judgment.	3.80 250.00/hr	950.00
6/5/2023	APS	Revise Joint Stipulation of Facts for motion for summary judgment.	2.40 250.00/hr	600.00
	JCG	Review memos, correspondence, policy, and pleadings (about 55 pages) for drafting Motion for Summary Judgment.	1.60 250.00/hr	400.00
	JCG	Continue to draft Motion for Summary Judgment.	4.60 250.00/hr	1,150.00

Ryan Barr
 Ramiro Morin vs. Blazer Building
 Texas, LLC - M:P 220-178930-01
 Our File Name: LM/Blazer
 Our File No.: 0023178

July 17, 2023
 Invoice No.:39397
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			<u>Hrs/Rate</u>	<u>Amount</u>
6/5/2023	CLH	Review and revise draft summary judgment motion.	1.50 275.00/hr	412.50
6/6/2023	EL	Receipt and review of correspondence from Defendant's attorney Greg Wilkins regarding draft stipulations.	0.10 105.00/hr	10.50
	JCG	Review contract, policy and pleadings (about 45 pages) for drafting Motion for Summary Judgment.	1.00 250.00/hr	250.00
	JCG	Continue to draft Motion for Summary Judgment.	2.40 250.00/hr	600.00
	CLH	Review and revise motion for summary judgment.	1.00 275.00/hr	275.00
6/7/2023	JCG	Research regarding course and scope of employment, break time and related injury for motion for summary judgment.	1.00 250.00/hr	250.00
	JCG	Review memos, emails and pleadings (about 25 pages) for drafting Motion for Summary Judgment.	0.70 250.00/hr	175.00
	CLH	Email to opposing counsel regarding status of draft stipulations.	0.10 275.00/hr	27.50
	JCG	Continue to draft Motion for Summary Judgment.	4.10 250.00/hr	1,025.00
	CLH	Review and revise motion for summary judgment.	2.00 275.00/hr	550.00
	CLH	Email to client team regarding proposed motion for summary judgment.	0.10 275.00/hr	27.50
6/9/2023	APS	Revise Joint Stipulations for motion for summary judgment.	0.80 250.00/hr	200.00

Ryan Barr
 Ramiro Morin vs. Blazer Building
 Texas, LLC - M:P 220-178930-01
 Our File Name: LM/Blazer
 Our File No.: 0023178

July 17, 2023
 Invoice No.:39397
 Page 3

	<u>Hrs/Rate</u>	<u>Amount</u>
6/9/2023 APS Revise Motion for Summary Judgment to include Joint Stipulation as summary judgment evidence.	1.60 250.00/hr	400.00
 Total For Services	 35.40	 \$8,953.00

Personnel Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Catherine L. Hanna/Partner	4.70	275.00	\$1,292.50
Alexander P Sheppard/Associate	4.80	250.00	\$1,200.00
Jeffrey C. Glass/Associate	25.80	250.00	\$6,450.00
Elina Lupin/Paralegal	0.10	105.00	\$10.50

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Ryan Barr
 Liberty Mutual Insurance Company

August 17, 2023
 Invoice No.: 39589

Ramiro Morin vs. Blazer Building
 Texas, LLC - M:P 220-178930-01
 Our File Name: LM/Blazer
 Our File No.: 0023178

Tax I.D. #: 74-2868658

		<u>Hrs/Rate</u>	<u>Amount</u>
7/7/2023	JCG Review Nautilus Response to Motion for Summary Judgment and exhibits (about 75 pages) for drafting Reply.	1.90 250.00/hr	475.00
7/11/2023	JCG Review summary judgment briefing, pleadings, and memos (about 70 pages) for drafting Reply and Response on Motion for Summary Judgment.	1.50 250.00/hr	375.00
	JCG Draft Reply and Response on Motion for Summary Judgment.	1.00 250.00/hr	250.00
7/13/2023	JCG Continue to draft Reply and Response on Motion for Summary Judgment.	1.30 250.00/hr	325.00
7/14/2023	JCG Continue to draft Reply and Response on Motion for Summary Judgment.	2.60 250.00/hr	650.00
7/16/2023	JCG Continue to draft Reply and Response on Motion for Summary Judgment.	3.00 250.00/hr	750.00
7/17/2023	JCG Research regarding sufficiency of causal connection between injury and named insured's work for summary judgment	0.60 250.00/hr	150.00

Ryan Barr
 Ramiro Morin vs. Blazer Building
 Texas, LLC - M:P 220-178930-01
 Our File Name: LM/Blazer
 Our File No.: 0023178

August 17, 2023
 Invoice No.:39589
 Page 2

		<u>Hrs/Rate</u>	<u>Amount</u>
	response.		
7/17/2023	JCG Research regarding cases cited in Nautilus summary judgment briefing.	0.70 250.00/hr	175.00
	JCG Continue to draft Reply and Response on Motion for Summary Judgment.	4.00 250.00/hr	1,000.00
7/18/2023	CLH Draft email report to client team regarding summary judgment pleadings and anticipated response.	0.20 275.00/hr	55.00
	JCG Review summary judgment briefing, pleadings, and memos (40 pages) for drafting Reply and Response on Motion for Summary Judgment.	2.20 250.00/hr	550.00
	JCG Continue to draft Reply and Response on Motion for Summary Judgment.	4.50 250.00/hr	1,125.00
7/19/2023	JCG Research regarding contribution, indemnity and subrogation between co-insurers for summary judgment response.	1.30 250.00/hr	325.00
	JCG Research regarding attorneys fees as recoverable in coverage suit for summary judgment response.	0.60 250.00/hr	150.00
	JCG Continue to draft Reply and Response on Motion for Summary Judgment.	4.50 250.00/hr	1,125.00
7/20/2023	CLH Review and revise response and reply to motion for summary judgment.	1.00 275.00/hr	275.00
Total For Services		30.90	\$7,755.00

Ryan Barr
Ramiro Morin vs. Blazer Building
Texas, LLC - M:P 220-178930-01
Our File Name: LM/Blazer
Our File No.: 0023178

August 17, 2023
Invoice No.:39589
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Personnel Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Catherine L. Hanna/Partner	1.20	275.00	\$330.00
Jeffrey C. Glass/Associate	29.70	250.00	\$7,425.00

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Ryan Barr
 Liberty Mutual Insurance Company

November 16, 2023
 Invoice No.: 40228

Ramiro Morin vs. Blazer Building
 Texas, LLC - M:P 220-178930-01
 Our File Name: LM/Blazer
 Our File No.: 0023178

Tax I.D. #: 74-2868658

		<u>Hrs/Rate</u>	<u>Amount</u>
8/4/2023	CLH Receipt and brief review of Nautilus's summary judgment reply (12 pp.).	0.20 275.00/hr	55.00
10/16/2023	CLH Analyze case status and necessary next steps, including whether it is necessary to designate experts while summary judgment motions are pending.	0.20 275.00/hr	55.00
Total For Services		0.40	\$110.00

Personnel Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Catherine L. Hanna/Partner	0.40	275.00	\$110.00

EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

LM INSURANCE CORPORATION,

Plaintiff

v.

NAUTILUS INSURANCE COMPANY,

Defendant

§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 4:22-cv-03723

DECLARATION OF DAVID GUERTIN

1. “My name is David Guertin. I am over the age of twenty-one, of sound mind and capable of making this declaration. I have never been convicted of a crime. I am a Senior Technical Claims Specialist for LM Insurance Corporation (“Liberty”). I have personal knowledge of the documents maintained by Liberty in connection with the claims in a lawsuit brought by Ramiro Morin against Blazer Building, Inc. (“Blazer”) and others, styled *Ramiro Morin, et al. v. Blazer Building, Inc.*; Cause No.: 2020-14004; in the 164th District Court of Harris County, Texas (the “Underlying Lawsuit”).

2. “Liberty has provided a defense to Blazer in the Underlying Lawsuit, retaining and funding counsel to provide that defense. Liberty continues to defend Blazer in the Underlying Lawsuit, which is ongoing.

3. “Liberty tendered the defense of Blazer to Nautilus Insurance Company (“Nautilus”) on March 11, 2020. The total amount paid by Liberty in fees and expenses in defending Blazer in the Underlying Lawsuit since the date of tender is **\$16,614.15**.

{Signature on following page.}

Executed in Boston, Suffolk County, Massachusetts on April 15, 2024.

A handwritten signature in black ink, appearing to read "David Guertin", written over a horizontal line.

David Guertin